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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,477	06/30/2000	Marcus Maranhao	50325-0115	2232

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EXAMINER	
NGUYEN, STEVEN H D	
ART UNIT	PAPER NUMBER

2665

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/608,477

Applicant(s)

MARCUS MARANHAO

Examiner

Steven HD Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2665

DETAILED ACTION

Claim Objections

1. Claims 1, 8, 15 and 18 are objected to because of the following informalities: the acronyms such "SLIC and IP" must be spell out. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-9 and 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabenko (US 2002/0006137).

Regarding claims 1-2, 4-9 and 11-19, Rabenko discloses (Figs 1-16 and Page 1, sec 2 to page 27, Sec 268) a network device that can transmit voice, voiceband data and phone signaling via a network (Fig 1a) comprising a Codec configured to receive analog phone signals and generate digitized voice, and digitized voiceband data (Fig 16, Ref 1608); a SLIC configured to receive analog phone signaling and generate digitized phone signaling (Fig 16, Ref 1610); a network interface for interfacing to an LAN that follows a local area network protocol that supports levels of transmission priority for transmitting data; said network device configured to generate packets that include said digitized voice, digitized voiceband data and digitized phone signaling, wherein said packets conform to a set of protocols that excludes IP; and said network

Art Unit: 2665

device configured to transmit said packets via said local area network being HPNA using telephone line wherein converting and translating are performing by telephone adapter (Fig 16, Ref 1602, 1604 and 1606 for generating a packet from the received digitized signals such voice, voiceband and signaling according to HPNA protocol version 2 which implicitly support priority assigned wherein voice packet has a high priority than the data packet for transmitting via HPNA wherein the IP excludes from LAN; See Pages 2, Sec 32 to Page 3, Sec 47; See Pages 6-7, Sec 74, 77, 78, 80-88; Page 11, sec 120, Page 15, sec 143, 152; Page 16, Sec 160-165, Page 21-26, Sec 216-267).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabenko in view of Czajkowski (USP 6522647).

Regarding claims 3, 10 and 20, Rabenko discloses a method for transmitting voice over ATM. However, Rabenko does not fully disclose a packet for transmitting via LAN using HPNA protocol is AAL2. In the same field of endeavor, Czajkowski discloses a method for generating the AAL2 packets from the received digitized voice, voiceband and signaling signal to transmitting a telephone line (Fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an adapter layer such AAL2 for generating a mini packet for transmitting via network as disclosed by Czajkowski's system and method into Rabenko's system and method. The motivation would have been to obtain a bandwidth efficient in the delay sensitive applications.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edson (USP 6526581) in view of Wallace (USP 6647117).

Regarding claims 1-20, Edson discloses (Figs 1-3 and Col. 1, lines 4 to col. 16, lines 20) a network device that can transmit voice, voiceband data and phone signaling via a network (Fig 4) comprising a Codec configured to receive analog phone signals and generate digitized voice, and digitized voiceband data (Fig 4, Ref 57); a SLIC configured to receive analog phone signaling and generate digitized phone signaling (Fig 4, Ref 56); a network interface for interfacing to an LAN that follows a local area network protocol that supports levels of transmission priority for transmitting data; said network device configured to generate packets that include said digitized voice, digitized voiceband data and digitized phone signaling, wherein said packets conform to a set of protocols; and said network device configured to transmit said packets via said local area network being HPNA using telephone line wherein converting and translating are performing by telephone adapter (Fig 4, Ref 61 and 63 for transmitting and generating a packet includes digitized voice, voiceband and signaling onto HPNA which supports high priority for voice information). However, Edson does not disclose packet being AAL2, which excludes Internet protocol. In the same field of endeavor, Wallace discloses a method and system for transmitting and generating a AAL2 packet includes digitized voice,

Art Unit: 2665

voiceband and signaling signals onto telephone line (Fig 1, Ref 361 is SLIC, 362 is CODEC and 360 is AAL2; See col. 3, lines 10-57 and col. 5, lines 1 to col. 7, lines 56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an adapter layer such AAL2 for generating a mini packet for transmitting via network as disclosed by Wallace's system and method into Edson's system and method. The motivation would have been to obtain a bandwidth efficient in the delay sensitive applications.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nodoushani (USP 6563816) discloses a method and system for converting the received digitized voice, voiceband and signaling signals from home telephone wire into AAL2 packet for transmitting onto home phone wire.

Chen (USP 6456633) discloses a HPNA system.

Petersen (USP 2001/0012293) discloses a method and system for transmitting voice signal using AAL2.

Burke (USP 6453040) discloses a method and system for converting the received digitized voice, voiceband and signaling signals to packet for transmitting packet via home wire.

Bowen (USP 6580710) discloses a HPNA system.

Art Unit: 2665

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen
Primary Examiner
Art Unit 2665
11/24/2003